

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**

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(DWS)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/719,639 09/25/96 MATTAWAY S N0003/7013

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BOSTON MA 02108

EXAMINER

HSU, A

ART UNIT	PAPER NUMBER
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2738

12

DATE MAILED:

04/11/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No. 08/719,639	Applicant(s) MATTAWAY ET AL
	Examiner Alpus H. Hsu	Group Art Unit 2738

Responsive to communication(s) filed on Feb 4, 2000

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle* 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

Claim(s) 1-30 is/are pending in the application.
Of the above, claim(s) _____ is/are withdrawn from consideration.
 Claim(s) _____ is/are allowed.
 Claim(s) 1-30 is/are rejected.
 Claim(s) _____ is/are objected to.
 Claims _____ are subject to restriction or election requirement.

Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
 The drawing(s) filed on _____ is/are objected to by the Examiner.
 The proposed drawing correction, filed on _____ is approved disapproved.
 The specification is objected to by the Examiner.
 The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 All Some* None of the CERTIFIED copies of the priority documents have been
 received.
 received in Application No. (Series Code/Serial Number) _____.
 received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

Notice of References Cited, PTO-892
 Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
 Interview Summary, PTO-413
 Notice of Draftsperson's Patent Drawing Review, PTO-948
 Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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1. The request filed on Feb. 4, 2000 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 08/719,639 is acceptable and a CPA has been established. An action on the CPA follows.
2. In the specification, pages 1 and 2, the applicant is requested to provide the information regarding the serial no., title, inventor, filing date and update the status from time to time for all of the listed related co-pending applications.
3. The drawings are objected to because all blocks in Figs. 15A, 15B and 18 should be labeled with descriptive legends known in the art. Correction is required.
4. Claims 25 and 29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In each of claims 25 and 29, line 1, "program code means" should read as --program code-only.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

6. Claims 1, 12 and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Oberlander et al. (of record).

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Oberlander et al. discloses a method and computer program product for selectively alerting user of an incoming communication over a computer network (101, 104 and 106) by receiving an incoming communication containing an information profile (Fig. 3) identifying the source of the incoming communication, and responding to the incoming communication in accordance with the identity of the source (see Figs. 1 and 5, col. 3, line 33 to col. 5, line 24, col. 8, lines 15-50) as in claims 1, 12 and 23.

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(a) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 2-11, 13-22, 24-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oberlander et al. in view of Blonder et al. (both of records).

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Considering claims 2-8, 13-19, 24-30, Oberlander et al. does not teach the generation of a notification signal, nor its association with the information profile. Blonder et al. teaches a method and apparatus for using a communication system to alert a transaction user by including a database for receiving information and storing a profile, including a processor for retrieving the profile from the database and comparing information associated with the profile, and a network, over which a notification signal is transmitted (see Fig. 1, col. 5, lines 33-47, col. 7, lines 21-39). It would have been obvious to one of ordinary skill in the art at the time of invention was made to modify the invention of Oberlander et al. to include the notification signal found in the teaching of Blonder et al. because of the advantage that it allows the system to be equipped with device for notifying the user and accommodates a wide variety of communication platforms, and allows the user to better control reception of incoming messages to best suit their own particular needs (see Oberlander et al., col. 2, lines 11-16).

Considering claims 9-11, 20-22, the combination of system and method provided from the teaching of Oberlander et al. in view of Blonder et al. fails to teach a notification signal as being an audio signal, a graphic image signal or a haptic sensor signal. The examiner takes Official Notice that the concept and the advantage of providing a notification signal which includes an audio signal, a graphic image signal or a haptic sensor signal are well known and expected in the art. It would have been obvious to include audio signal, graphic image signal or haptic sensor signal to the notification signal provided from the teaching of Oberlander et al. in view of Blonder et al. since the audio, graphic image signal and haptic sensor signal are known to provide the user

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with auditory, visual and sensible feedback to the communication system for user alerting purpose.

9. This is a CPA of applicant's earlier Application No. 08/719,639. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. **Any response to this final action should be mailed to:**

Box AF

Commissioner of Patents and Trademarks

Washington, D.C. 20231

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or faxed to:

(703) 305-9051, (for formal communications; please mark "EXPEDITED PROCEDURE")

Or:

(703) 305-3988 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alpus H. Hsu whose telephone number is (703) 305-4377. The examiner can normally be reached on Monday through Friday from 6:30 to 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou, can be reached on (703) 305-4744.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Alpus H. Hsu 8414

April 7, 2000



ALPUS H. HSU
PRIMARY EXAMINER